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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1419TH MEETING

Held at Headquarters, New York,
on Tuesday, 13 July 1993, at 3 p.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Question of East Timor

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The meeting was called to order at 3.30 p.m.

QUESTION OF EAST TIMOR (A/AC.109/1154 and 1157) (continued)

At the invitation of the Chairman, Ms. Claudia D'Andrea (Asia Watch) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. D'Andrea.

Ms. D'ANDREA: My name is Claudia D'Andrea, and I represent Asia Watch, a division of Human Rights Watch. Asia Watch, as members know, takes no position on the political status of East Timor. Our mandate does not allow us to address the issue of self-determination. We believe, however, that violations of human rights by the Indonesian Government in East Timor are sufficiently grave to warrant a thorough examination by this Committee as it discusses how best to proceed with decolonization.

As we speak, visits by the International Committee of the Red Cross (ICRC) to detainees in East Timor, suspended since January 1993, continue to be obstructed by the Indonesian military. Two attempts by the ICRC, this past May and June, to resume the visits failed because of military interference in the ICRC's ability to conduct interviews in confidence and because of military refusal to grant access to all prisoners. Without the ICRC there is no outside monitoring at all of the treatment of East Timorese detained for political reasons.

(Ms. D'Andrea)

The obstacles placed in the path of the ICRC are symptomatic of the Indonesian army's unwillingness to abide by human rights and humanitarian law standards. The convictions, dismissals and other disciplinary actions taken against 19 officers in the wake of the Dili massacre did not fundamentally change the pattern of abuse, perhaps because they appear to have been designed less as a means to get at the truth of what happened than as a tactic to address international outrage.

Evidence of continuing abuse is abundant, as the arrest and trial of guerrilla leader Xanana Gusmao demonstrate. Gusmao's arrest in November 1992 was accompanied by the arbitrary detention of dozens of people, including several members of Gusmao's family, whose only possible offence was their relation to him. Xanana's sister and brother-in-law, Armandina and Gilman dos Santos, for example, were arrested four days after he was. They were not told the reason for the arrest and both were detained through March 1993 without charge at the Nusrabakti military intelligence detention centre, in violation of Indonesia's own Criminal Procedure Code and international standards.

Xanana himself was denied the right to choose his own counsel and denied access to his family for almost five months. In a defence statement that he was not allowed to read out in court, he said he was forced to make statements apologizing to the Indonesian army for the November massacre and indicating his readiness to surrender. Such statements are in violation of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which prohibits taking:

> "undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person". (res. 43/173, Principle 21)

(Ms. D'Andrea)

It was apparently on the basis of the statements made by Xanana under duress that the Indonesian Government, believing that it had a public relations bonanza on its hands, opened the trial up to some international observers, including the International Commission of Jurists, Asia Watch, members of the foreign press corps and diplomats from the United States, Germany, Japan, Australia and the United Kingdom, among others. Asia Watch, it should be noted, was allowed to attend only one session of the trial. As soon as it became clear that Xanana intended to write and read out his own defence plea, however, the Government tried to restrict access to many of those same observers.

Many of the witnesses called to testify against Xanana in February and March 1993 were themselves detainees who had never had access to counsel. In some cases, there were strong reasons to fear for their safety. Jose da Costa, known as Mau Hudu, who had been in custody since January 1992, appeared particularly weak and fragile in court. Another prisoner, Saturnino da Costa Belo, who shouted our "Viva Timor Leste" when he appeared as a prosecution witness on 4 March, was not seen in court after that outburst. Officials said he was medically unfit to testify.

One reason for both da Costa's behaviour in court as well as international concern about his well-being thereafter is that his brother was reportedly beaten to death by the Indonesian army on 5 October 1992, after being taken, injured, from a hospital over the objections of his doctors. The Indonesian Government maintains that the brother was killed in a FRETILIN attack on the army. It is an incident which, like so many others in East Timor, needs a thorough, impartial and open investigation. The most telling evidence that the prosecutions of officers after 12 November were more for external consumption than internal reform is that subsequent human rights

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violations attributed to the Indonesian army, such as the systematic use of torture by military intelligence or the summary execution of da Costa's brother, have not been seriously investigated or prosecuted.

After appearing as prosecution witnesses in Xanana's trial, several sentenced prisoners were moved from East Timor. The two men with the heaviest sentences - life imprisonment and 15 years - were transferred to Jakarta; four with sentences of between 5 and 10 years, including Saturnino da Costa Belo, were moved to Lombok, east of Bali; and 7 others were sent to West Timor. In all cases, visits from family members in the new locations will be difficult, if not impossible. Since prisoners depend on family visits for food, medicine and personal items that they can use as barter within the highly corrupt prison environment, they will suffer additional hardship from the separation.

Asia Watch remains concerned about all East Timorese, in East Timor or in Indonesia proper, who have the courage to speak out about human rights abuses or try to make contact with the international human rights community. As was clear from the 1992 trial of Fernando de Araujo, an East Timorese student living in Bali, postal and telephone communications from East Timorese students to anyone living abroad are closely monitored, in violation of their internationally recognized right to freedom of expression. While the seven East Timorese students who recently sought refuge in the Swedish and Finnish embassies in Jakarta may not be formally prosecuted, they will almost certainly be subjected to close surveillance and intimidation.

East Timor remains a Territory where basic freedoms of expression, association and assembly are absent, where torture is routine and routinely goes unpunished, and where attempts to obscure the scale of human rights violations are commonplace. Government investigations notwithstanding, most

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of the key questions about the Dili massacre remain unanswered. The Indonesian Government has all but dropped the pretence of trying to determine what happened to the disappeared. When an Asia Watch representative visited East Timor last March with the permission of the Indonesian Government, she was given a list of the 66 officially listed as missing. Army officers told her that the strategy for trying to locate them was to ask village heads to report on any residents who may have, in their words, "come down from the hills" or otherwise reappeared. That strategy assumes that the disappeared are still alive, which almost certainly is not the case. It also implicitly absolves the army of responsibility for accounting for its own role in either the shooting or the removal of bodies from the scene afterwards, since it assumes that those missing disappeared of their own volition.

Just as the best response to critics of the 1965-1966 killings would be for the Indonesian Government to open its archives for serious research by independent scholars, the best response to critics of its human rights record in East Timor would be for Indonesia to allow full and unimpeded access by independent, impartial investigators to all areas of East Timor, as well as to government documents and officials, both military and civilian.

The new Indonesian Commission on Human Rights established on 7 June 1993, by presidential decree, cannot take the place of an independent body. The Commission has been consciously modelled after the National Commission of Inquiry set up after the Dili massacre. That in itself should give pause. None of the safeguards that would make the Commission truly independent and impartial are in place, and it is envisioned more as an agency to advise the Government than to question its actions.

Given the severity of human rights abuses in East Timor, we hope that this Committee will use its influence to press for Indonesia's adherence to

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the provisions of the resolution on human rights in East Timor adopted by the United Nations Commission on Human Rights on 11 March, 1993. We hope that it will also add its voice to those pressing for an end to military interference with ICRC visits. Human rights in East Timor are properly an international concern, and how human rights problems are addressed will inevitably affect the future status of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (Komitee Indonesia) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Koch.

Mr. KOCH (Komitee Indonesia): First, the Komitee Indonesia and the East Timor Group Holland welcome this opportunity to petition this Committee about East Timor. We have been following the developments in East Timor since the Indonesian invasion in 1975.

We regret, however, that East Timor is still on the list of Non-Self-Governing Territories of this Committee. As citizens of the world community, we feel ashamed that the Timorese people, which has suffered so much over the past 18 years, is still denied the exercise of its inalienable right to self-determination and independence. While bilateral negotiations between Portugal and Indonesia are thought to be needed in the context of the search for a diplomatic solution, we bear in mind that the occupation of East Timor confronts all of us with principles and rules that concern the entire international community. We also bear in mind that no justification can be found for keeping East Timorese out of the confidence-building talks. What acceptable solution can be found if the most involved party, the East Timorese people, is not allowed to participate in the process of confidence-building and decision-making.

(Mr. Koch)

All peoples have the right to self-determination. By virtue of that right they must be able to determine freely their political status and freely pursue their economic, social and cultural development. The East Timorese are entitled to that right. The utmost pressure must therefore be brought to bear on the Indonesian Government to allow the Timorese people to exercise freely their right to self-determination.

For many years the Indonesian delegation reiterated to this Committee that an act of self-determination had already taken place, in July 1976. In the Indonesian history of East Timor, Portugal was unwilling to fulfil its responsibility concerning the decolonization process, and Indonesia was therefore invited to the Territory to restore the rule of order. Moreover, the East Timorese population happily accepted this interference, and nowadays the problems of East Timor have to be seen as problems of development.

If this is the simple truth, it can be asked why more than 200,000 East Timorese had to die, why excessive security measures are still prevailing in East Timor and why arbitary arrests, torture and ill-treatment of political detainees, "disappearances" and summary executions are still common.

Are these the pieces of Timorese history that the Indonesian Minister of Foreign Affairs, Ali Alatas, was trying to forget when he gave a lecture about the Indonesian history of East Timor at the University of East Timor in Dili on 21 May 1993? In his speech, Ali Alatas compared the Portuguese and East Timorese interpretation of history with techniques used by Goebbels under the Nazi regime: if a lie is repeated over time, sooner or later people will consider it the truth. So, in the eyes of Mr. Alatas, the Portuguese are lying, the East Timorese who fight for self-determination and independence are lying and the United Nations Commission on Human Rights is lying, not to mention organizations like Amnesty International and other non-governmental

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organizations. You might even think that the United Nations resolutions on East Timor are based on historical misinterpretations.

We are sure, however, that Mr. Alatas is aware of academic studies and other reports, including those of the United Nations, that come to other conclusions about the Indonesian interference in East Timor in 1974 and the blunt invasion and occupation that followed. Mr. Alatas will certainly be aware of the sociological survey produced in 1990 by scientists from Yogyakarta's Gajah Mada University, led by Professor Mubyarto. At some length, the study described the "trauma of war" inflicted on Timorese society. It spoke about the "culture shock" suffered by the East Timorese and the Catholic Church and the "overdose" of military presence and its dominating role.

Since then, territorial operations have not declined in the least, and all forms of resistance to Indonesian rule have been clamped down on fiercely. It is widely known that Indonesia's policy of forced annexation continues to be accompanied by disrespect for human rights, including the rights of peoples to self-determination and independence.

If Indonesia is so sure that it is welcome in the Territory of East Timor, then why, we ask, is such a powerful country denying the East Timorese their right to self-determination and not cooperating in creating the political conditions for the free exercise of this right? Why is it not immediately withdrawing its military troops and releasing all political prisoners?

We hope the members of this Committee are able to take note of the defence plea of the East Timorese resistance leader, José Alexandre (Xanana) Gusmao. On 21 May 1993, he was sentenced to life imprisonment, being accused of rebellion against the Indonesian State and

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illegal possession of firearms. The sentencing followed a four-month trial widely regarded as blatantly unfair.

Xanana Gusmao was not allowed to read out his defence in the district court of Dili. The reason can only be given by the Indonesian authorities. The statement, which was smuggled out of East Timor, makes it clear that Gusmao completely rejects Indonesia's claims to East Timor. He remains firm in his belief that the international community is bound to resolve the issue according to United Nations principles.

In his defence plea Mr. Gusmao addresses the Secretary-General as follows:

> "I appeal to the Secretary-General of the United Nations to ensure that the solution he seeks for East Timor is based on universal principles and international law. ... I would like to say that I am ready to participate in the negotiation process at any moment or in any place. I will however never accept to be part of the Indonesian side in the negotiations because I am not willing to participate in the farce of integration and the criminal repression of my people."

Gusmao ends his statement with the following words:

> "They have killed more than one third of the defenceless population of East Timor. They are killing my people and I am not worth more than the heroic struggle of my people who, because they are a small and weak people, have always been subjected to foreign rule."

Subjected to foreign rule, he said. Indonesia, once a powerful and anticolonial force and now proudly chairing the Non-Aligned Movement, sadly turned into a colonizing Power. In August 1995, Indonesia will celebrate its fiftieth anniversary of independence. But what will the East Timorese have to celebrate? It is a common, cynical joke among Timorese that 18 years of

(Mr. Koch)

Indonesian occupation and colonialism can easily be added to the years of Portuguese colonialism. Fewer jokes are made about the feeling of being abandoned by the international community.

It is objectively true that the East Timorese people are a small people that, time and again, have resisted Portuguese colonial rule in the past and Indonesian rule today. It is a people with no territorial ambitions other than that of being able to live freely and peacefully in their own country. It is a duty of the international community to bring about conditions in which the people of East Timor may exercise the right to self-determination and independence, a right recognized by the United Nations Charter and resolutions of the Security Council and General Assembly.

We are convinced that this Committee can play an important role in accelerating the peace process the Timorese are longing for.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Roger Clark (International League for Human Rights) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Clark.

Mr. CLARK: I appreciate this opportunity to speak to the Committee on the question of East Timor. I do so on behalf of the International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council. The League first spoke on this topic in the Fourth Committee of the General Assembly in 1978, and we have appeared many times since, in the General Assembly until 1982 and subsequently in this Committee.

On each of these occasions, we have emphasized the illegality of the actions of Indonesia in invading the Territory and purporting to annex it. Those actions were flagrant breaches of the United Nations Charter and the

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relevant resolutions of the Assembly interpreting the Charter, concerning both the use of force and the principle of self-determination. The human rights of the people of East Timor have been violated in basic ways, as the Commission on Human Rights reminded us in its strong resolution in March of this year. All of these violations flow from the denial of that most fundamental of rights, the right to self-determination. There is, indeed, no dichotomy between human rights and the right to self-determination. The Vienna Declaration and Programme of Action, adopted at last month's World Conference on Human Rights, put it rather well, in language that is extremely apt when applied to the situation of East Timor:

> "Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize the inalienable right of self-determination. The World Conference on Human Rights considers the denial of self-determination as a violation of human rights and underlines the importance of the effective realization of this right."

(Mr. Clark)

I need hardly repeat here that both the General Assembly and the Security Council have deplored Indonesia's use of force and have called for self-determination for the people of East Timor. The General Assembly has rejected the claim that East Timor has been incorporated into Indonesia inasmuch as the people of the Territory have not been able to exercise fully their right to self-determination and independence.

The International League for Human Rights has also endeavoured to remind States of their legal obligation not to recognize Indonesia's unlawful acquisition of territory. Thus, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States provides as follows:

> "The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal". (resolution 2625 (XXV)

To the same effect is the resolution on the Definition of Aggression, which provides that:

> "No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful". (resolution 3314 (XXIX), article 5 (3))

Both these statements were adopted unanimously by the General Assembly.

The fundamental illegitimacy of the exercise of power by Indonesia in East Timor has been underscored recently by the path taken in the trial of the leader of the Timorese resistance, Xanana Gusmao. Mr. Gusmao prepared a carefully crafted statement for presentation at the end of the case, but was prevented from delivering it. In it he poured scorn on the legitimacy of the

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clumsy Indonesian show trial. As he put it, in words that were quoted to you this morning but are worth quoting again,

> "A Government which was established to the accompaniment of the sound of the sea and land shelling of the defenceless population, to the sound of advancing tanks and cannons, can such a Government claim any juridical standing? In my opinion, it has the same standing as the advance of Iraqi troops in Kuwait, the same dimension as the advance of Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia".

Evidently the occupying authorities were so insecure that they felt it necessary to suppress this plea by one who was entirely at their mercy.

The Commission on Human Rights insisted in its March 1993 resolution on East Timor that:

> "All trials should be fair, just, public and recognize the right to proper legal representation, in accordance with international humanitarian law".

The failure of the occupying authorities to allow Gusmao to be represented by counsel of his own choosing and the silencing of his own efforts to present his position showed utter disregard of this essential standard.

On this occasion, the International League for Human Rights wishes also to draw attention to another aspect of Indonesia's assault on the self-determination of the East Timorese. This is an aspect which has devastating long-term consequences for what the World Conference on Human Rights described as "the effective realization" of that right. I refer to the Indonesian policy of resettlement known as "transmigration", whereby population is transferred from densely populated to sparsely populated parts of the archipelago.

(Mr. Clark)

In a 1985 interview with the Financial Times, General Murdani referred to some of the motives behind the policy, notably that it helps to disseminate knowledge and understanding of State ideology, political attitudes and cultural value to what he called "the relatively naive local resident". Equally significant was his statement that transmigration supports not only security and defence but also national resilience. The Financial Times noted that such motives may well be applicable to East Timor. The article stated that the Government had plans to settle more than 6,000 families in East Timor over a five-year period.

It has become apparent, however, that the numbers of migrants have multiplied dramatically. When the influx of migrants is combined with the massive loss of life that flowed from the Indonesian invasion, the possibility that Timorese will be a minority in their own land looms larger every day. Indonesia's evident goal of eliminating the ability of the people of East Timor to express their right to self-determination is becoming a reality through these population transfers.

In May this year, the Observer quoted one Timorese as saying:

> "We're like red wine in a glass. The more water you add the more diluted the wine becomes. In the end it stops being wine and starts being water."

The Observer article goes on to note an estimate that half the population of Dili was born outside East Timor, and about a third of the total population is now made up of immigrants.

In an interview with The New York Times on 24 April this year, Bishop Belo, leader of the Catholic Church in East Timor, related how an Indonesian intelligence officer told a prisoner:

"We only need your land. We don't need people like you Timorese."

(Mr. Clark)

This policy runs counter to at least two significant international instruments. One of them will be quite familiar to members of this Committee: resolution 35/118, the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, was adopted, with Indonesia's affirmative vote, in 1980. Paragraph 8 of the annex to that resolution provides that:

> "Member States shall adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into Territories under colonial domination, which disrupts the demographic composition of those Territories and may constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those Territories."

The other relevant instrument is the Fourth Geneva Convention of 12 August 1949, that relative to the protection of civilian persons in time of war. Both Portugal, the Administering Authority of East Timor accepted by the United Nations, and Indonesia, the occupying Power in terms of the Fourth Geneva Convention, are parties to this instrument. Under article 2 of the Convention, the Convention applies

> "to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them",

and also

> "to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance".

(Mr. Clark)

The situation in East Timor is encompassed by the second limb of this definitional provision, if not by the first. Now, article 49 of the Fourth Geneva Convention contains a rather stark and blunt obligation: it says that

> "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies".

We know not how to describe the policy of transmigration into East Timor as other than a transfer of parts of Indonesia's own civilian population into the territory it occupies. It is thus a breach of the Fourth Geneva Convention.

(Mr. Clark)

The United Nations has set itself the goal of eliminating colonialism as one of the priorities of the present decade. As previous speakers have noted, East Timor is the largest remaining Territory on the Special Committee's list. Yet in recent years, the Committee has not found the political will to adopt a substantive resolution on the subject. We would submit that this is not a subject that this Committee should find itself abdicating to the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities - both of which have acted.

The representative of Tunisia asked this morning for something new, something concerning the objective of decolonization. We would suggest that the time has come for a strong resolution from this Committee reiterating the right of the East Timorese to self-determination and insisting upon a United Nations-sponsored referendum to achieve the effective realization of that right at an early date, before its exercise is rendered meaningless by Indonesia's transmigration policy.

The CHAIRMAN: I should like to inform the petitioner, especially with regard to his concluding remarks, that the General Assembly has sole responsibility in determining what this Committee does. It was the Assembly's decision to defer consideration of the question of East Timor, and it is on that basis that this Committee has not engaged in substantive consideration or taken action as far as resolutions are concerned. And until such time as the General Assembly so directs this Committee, it will not be in the mandate of the Committee to consider any resolution.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Pedro Pinto Leite (International Platform of Jurists for East Timor) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Pinto Leite.

Mr. PINTO LEITE: Last April, I had the privilege of being a member of the team of observers in the referendum in Eritrea. After 30 years of struggle, the Eritrean people exercised its right to self-determination. The United Nations Observer Mission to verify the referendum in Eritrea ascertained that the results of the vote represented the real wishes of the population. As in the case of Namibia, once again the advocates of realpolitik were wrong: today, Eritrea is an independent country.

The International Platform of Jurists for East Timor (IPJET) has followed the cases of Eritrea and Western Sahara with great interest. The successful fight of the Eritrean and Sahrawi peoples for self-determination confirmed a future solution to the question of East Timor pursuant to the rule of law. This is not a utopian position; on the contrary, it is a perspective based on sound foundations of international law.

In recent years, and particularly after the media coverage of the massacre of Santa Cruz, the international community is becoming more aware of the consequences of the illegal occupation of East Timor by the Indonesian Army. In the meantime, more than 200,000 Timorese - roughly one third of the original population - lost their lives, a genocide without precedent in the post-war period.

We heartily welcome the adoption of a resolution by the United Nations Commission on Human Rights condemning Indonesia for violations of human rights in East Timor. It was a very important step that may help to reduce the number of extrajudicial executions, disappearances and cases of torture in the Territory. However, IPJET wishes to concur with Hector Gros Espiell that

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self-determination is a prerequisite for all other human rights. In other words, as long as the people of East Timor are not allowed to exercise their right to self-determination, they will continue to be the victims of the same kind of human rights violations that the international community has now rightly condemned.

The events in East Timor in these last months confirm this fear. The arrests and trials of those in the liberation movement have continued. However, the Timorese brought to trial are not guilty of any crime. On the contrary, what is unlawful is the application of the Indonesian anti-subversion legislation to the East Timorese people, who are opposed to alien rule in their country and seek only to exercise their inalienable right to self-determination.

In November of last year, Xanana Gusmao, the leader of the resistance, was arrested and later put on trial. In February, Professor Roger Clark expressed IPJET's position on that subject. We consider that the purported exercise of jurisdiction over East Timorese resistance by the Indonesian authorities is completely illegitimate. The Indonesian invasion of East Timor was a breach of its territorial integrity and a violation of the right of its people to self-determination. International law determines that no territorial acquisition resulting from the use of force shall be recognized as legal. That trial, flowing from the annexation of East Timor and the imposition of Indonesian criminal laws upon the Territory, is thus an illegal act of the occupying Power.

General Assembly resolution 31/53 of 1 December 1976 reaffirmed in operative paragraph 1

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"the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right".

Nobody can deny that Xanana Gusmao was engaged in that legitimate struggle at the time of his capture.

After the Indonesian Army arrested Xanana Gusmao, many more norms of international and humanitarian law were violated. He was first placed incommunicado and removed from the Territory. He was submitted to physical and psychological torture. He was coerced into making a false confession, which was broadcast on television. Then, his trial became a four-month farce. He was not allowed to freely choose his legal counsel. Access to the trial was frequently denied to international observers at particularly important moments.

In addition, prosecution witnesses were intimidated. Saturnino Belo, one of the witnesses, cried out for the independence of East Timor. He was promptly removed from the courtroom and declared insane. Since then, he has been detained in isolation. Xanana Gusmao was not allowed to read out more than 3 pages of his 27-page defence plea and was finally condemned to life in prison. IPJET strongly denounces all of these violations and urges the relevant organs of the United Nations to intervene and obtain Xanana Gusmao's release. Moreover, it is obvious that he should represent the East Timorese people in the current talks.

(Mr. Pinto Leite)

IPJET is also deeply concerned about Xanana's health. After he expressed his intention to start a hunger strike, reliable sources informed the London-based organization TAPOL that he was being force-fed and was not in good health. It is of the utmost importance that international observers be allowed to see him and assess his health.

We are also very alarmed about the fate of Mau Huno, who succeeded Xanana Gusmao last November in the command of the armed resistance. He was arrested three months ago, and since then nobody has been allowed to see him. After the dramatic end of Xanana's trial, it is very likely that the Indonesian authorities are afraid of a similar defeat and are thus keeping Mau Huno in prison indefinitely without pressing charges against him. International observers must have immediate access to Mau Huno, Saturnino Belo and all other East Timorese political prisoners.

Our concern was strengthened with the information that the International Committee of the Red Cross (ICRC) had been forced to stop all prison visits in the Territory owing to obstructions created by the Indonesian authorities. The United Nations should act in every possible way to reverse this situation.

This is the appropriate moment to remind this body that Indonesia continues to violate the statement by the Chairman of the Commission on Human Rights in 1992, subscribed to by the Indonesian Government, inasmuch as to date it has not allowed access to the Territory of East Timor by other international human rights organizations.

In recent weeks our secretariat has received several telephone calls from members of the Timorese urban resistance. These calls were made from Dili and also from Java and Bali. On 24 May, for instance, we were told that Rui Antonio da Cruz, an East Timorese student, had been arrested and was being

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subjected to torture at the headquarters of the secret police. Our source also reported that eight other East Timorese students in Java and Bali were being sought by the police. None of their names were on the list of students who unsuccessfully sought asylum in the Swedish and Finnish embassies in Jakarta. This confirms that East Timor is facing a scheme by the Indonesian authorities to rid the Territory of all possible opposition from its intellectual community.

We regret the fact that Sweden and Finland, known for their assistance to refugees, failed to give the seven Timorese students the support they needed. Pursuant to last week's Amnesty International report concerning their safety, IPJET is certain that the United Nations has grounds to intervene.

The question of East Timor has recently become a matter of concern for non-governmental organizations all around the world. IPJET noted with great satisfaction that many Latin American non-governmental organizations condemned violations of human rights by Indonesia in East Timor during the last session of the Commission on Human Rights. Also, we heartily welcome the appeal for the self-determination of East Timor made by more than 100 Asian human rights organizations last April in Bangkok.

The increased support for the cause of East Timor is reflected in the growth of our own organization. A year and a half after its official foundation, the International Platform of Jurists for East Timor has tripled its membership, which includes members of 47 different nationalities.

(Mr. Pinto Leite)

One of the facts referred to by almost all observers of the referendum in Eritrea was the great joy and enthusiasm of the population during the voting process. Although we are aware of the difficulties we still have to face, I am deeply convinced that one day, perhaps not so far away, we will be able to witness similar demonstrations of joy in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sharon Scharfe (East Timor Alert Network/Canada) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Scharfe.

Ms. SCHARFE: My name is Sharon Scharfe, and I am a member of East Timor Alert Network/Canada (ETAN/Canada). ETAN/Canada is grateful for the opportunity to address the Committee today and for its continued attention to the situation in East Timor. We will try not to repeat the statements of others, but rather to supplement them.

The East Timor Alert Network was formed in the mid-1980s. What started out as a small grass-roots organization of a few committed individuals has grown into a movement with groups based in more than 15 cities across Canada. As the atrocities continue in East Timor, the strength and size of the organization only continue to grow. Canadians realize that East Timor is a Canadian issue.

We hope that the Special Committee on decolonization and other organs of the United Nations share our view that the present moment carries both opportunity and responsibility. We urge the Committee to act now to end 18 years of suffering and struggle, through support for the right of self-determination of the East Timorese people.

(Ms. Scharfe)

In March this year, at the meetings of the Commission on Human Rights in Geneva, Canada was among the sponsors of a strong draft resolution criticizing Indonesian policy in East Timor. And most recently, in June, Canada decided for the second year in a row to refrain from committing any new aid to the Consultative Group on Indonesia owing to its concerns about ongoing human rights abuses in East Timor. We view these developments as encouraging, for they show that Canadian Government policy reflects the outrage that has been expressed by the Canadian public on this issue.

I am not going to recite a long list of recommendations from the East Timor Alert Network. We concur with the suggestions made by other non-governmental organizations, that both reports of Special Envoy Amos Wako should be released and that the Secretary-General should facilitate negotiations including Indonesia, Portugal and representatives of the Timorese people, leading to self-determination for East Timor. We view the trial of the recognized leader of East Timor, Xanana Gusmao, as a travesty of justice, for according to the Fourth Geneva Convention Indonesia has no jurisdiction to try any Timorese. We therefore call for the unconditional release of Xanana Gusmao. We also wish to express our concern that as we speak his life is in danger. We also urge this Committee to recommend that the General Assembly act next fall to reaffirm its 11-year-old resolutions calling for the enjoyment of human rights and for immediate Indonesian withdrawal from East Timor.

This Committee has taken upon itself the task of eradicating colonialism by the year 2000. With that promising vision, the Special Committee on decolonization represents the hopes and aspirations of the peoples still under domination.

(Ms. Scharfe)

With the 1960 inclusion of East Timor on the General Assembly's list of Non-Self-Governing Territories, this Committee undertook total responsibility for ensuring that the principles embodied in the Charter were fully applied to that Territory. We are certain that East Timor will not be an exception in the decolonization process. Indonesia, as a member of this body, has in the past denounced Portuguese colonialism in this forum. Now it is using the deliberations of this Committee as an arena in which to defend its own aggression, annexation and military occupation of East Timor, in complete contravention of the relevant Security Council resolutions, resolutions 384 (1975) and 389 (1976).

Self-determination is - to quote Opekokew -

"a prerequisite right for other human rights, since there is no genuine exercise of individual human rights without realization of the right of self-determination".

The United Nations has established the right of self-determination as a right of peoples under colonial and alien domination.

To quote H. Gros Espiell's The Right of Self-Determination:

"If, however, beneath the guise of ostensible national unity, colonial and alien domination does in fact exist, whatever legal formula may be used in an attempt to conceal it, the right of the subject people concerned cannot be disregarded without international law being violated."

(Ms. Scharfe)

This is the case where Indonesia claims East Timor as its twenty-seventh province, ignoring the rights of the Timorese people. For the Timorese people, implementing self-determination means, at a practical minimum, ensuring their security and control over their own territories and the social, political, cultural, economic and all other forms of development on their lands. When an alien Power encroaches on a people's sovereignty, it usually rationalizes this encroachment with colonial racist arguments, since no moral or legal reasoning can legitimize this offence. Typically, the result is land theft and forced eviction resulting in the decimation of communities, an assault on land-based cultures and religions, and the physical destruction of the affected groups. Such has been the fate of the Timorese people, from the Portuguese occupation at the end of the sixteenth century through the 18 years of the Indonesian invasion, genocide and colonization. Not only does this constitute a gross violation of their human rights, but in practical terms this method of governance cannot work. The case of East Timor shows the indomitable spirit of the people of East Timor.

The past few years have shown that there is a new generation of East Timorese activists, infants at the time of the Indonesian invasion, who are willing to risk all for their independence. The United Nations and this Committee have the power to end the 18-year nightmare of the Timorese people. The East Timor Alert Network/Canada hopes that the Special Committee will act as soon as possible to begin the decolonization process in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Ana Corrêa da Silva (Commissao para os Direitos do Povo Maubere) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Corrêa da Silva.

Ms. CORREA DA SILVA: I wish to thank the Committee for the opportunity it has granted our organization, the Commission for the Rights of the Maubere People, to speak about the Indonesian colonization of East Timor.

In recent years, the world has experienced such deep political and social changes that references to these changes have already become commonplace. The point I would like to stress here is not so much the changes that have already occurred as those that are presently under way, and most of all those that will undoubtedly take place in the near future. The United Nations itself, being a reflection of an evolving world process, is clearly making an effort to rethink and redefine its role in the international order, a process that will probably transform its structures.

In this context, the question of colonialism cannot be separated from the major shifts that have recently taken place in the world community, the United Nations and international law. Colonialism should be considered in the light of its current shape and features. There is clearly an effort being made to bring into a new light situations that were considered by many to be closed issues. Eritrea is a case in point, an example of a problem that had a successful outcome despite that fact that when it first appeared it was not even on the United Nations agenda.

There are other situations that need to be considered under a new approach. One is the fact that people who were once colonized have now become colonizers of other peoples. This is clearly the case of Indonesia regarding East Timor. Today, the problem of East Timor, which has been on the United Nations agenda since it arose, is also beginning to be acknowledged as a colonial problem by world public opinion.

(Ms. Corrêa da Silva)

I should like to quote a few extracts from two reputable newspapers, the American Boston Globe and the European Irish Times. On 24 May 1993 the Boston Globe published an editorial about Indonesian colonialism in East Timor under the title "Indonesian Injustice". It said:

> "As citizens of a nation founded on an anti-colonial struggle, Americans have good reasons to identify with the people of East Timor - a people crushed under the boot of Indonesian occupation. ...
>
> "This is the heart of the matter. Until Indonesia's colonization of East Timor is ended, Americans should expect their President to demand that Xanana Gusmao and all his colonized compatriots be safe from Indonesian violence."

The Irish Times referred to the same question in its editorial "Indonesia's Shame" on 8 June 1993, when it said:

> "All the classic hallmarks of a colonial occupation ring through the trial and conviction by Indonesian authorities of Xanana Gusmao."

If we apply the traditional European model of colonialism to the case of Indonesia and East Timor, we will, surprisingly, find that it fits completely. The essential features of the old colonialism prevail, as there is no question about the military occupation, political repression and economic exploitation carried out in East Timor by Indonesia. But the world today is more critical of colonialism than it was in the past, and the Indonesian regime, itself a victim of Dutch colonialism, has found some new and more subtle ways to disguise its colonial rule over East Timor. The Non-Aligned Movement elected Indonesia as its President in tribute to Indonesia's glorious anti-colonial struggle in the 1950s and early 1960s. Today, Indonesia tries to use this forum to denounce the colonialism of other

(Ms. Corrêa da Silva)

countries while advancing its own colonial rule over East Timor. It pretends to be the liberator of the Timorese people from the Portuguese colonial yoke and a disinterested benefactor in order to avoid or at least subdue international concern. The very first paragraph of the Indonesian Constitution reads:

> "Freedom is the right of all nations and therefore colonialism must be eradicated from the face of the earth because it does not conform with humanity and justice."

Indonesia often uses this tone in its speeches and words. We should not, however, let ourselves be misled by the rhetorical hypocrisy of these words, and must instead take a look at the facts.

What is the real situation in East Timor and what is the real situation of East Timor? Making a distinction between these two situations may sound strange, but we believe there is a difference.

This year has been marked by two major events inside and outside the island - the arrest and trial of Xanana Gusmao, the East Timorese national leader, and the adoption of a United Nations Commission on Human Rights resolution condemning Indonesia for its violations of human rights in East Timor. These two events reflect a deeper, paradoxical reality. On the one hand, the oppression inside the colonized Territory of East Timor has intensified; on the other, the international community has never been so aware of East Timor and willing to act.

Inside the Territory, the oppression of the East Timorese is increasing. There is, of course, a more conspicuous side to this repression: the endless and sadly known list of the horrors perpetrated by the Indonesian army - the massacres, torture, arbitrary detentions, disappearances, rapes and so on.

(Ms. Corrêa da Silva)

But, hidden behind this repression, Indonesia is developing ways to control the economic, political and cultural levels of Timorese society. The Indonesian-controlled oil and coffee monopolies are extreme examples of the expropriation by force of Timorese resources. The colonizer imposes its own political structures and social organization, as well as its cultural values. The colonized children have to learn the occupier's language, the occupier's history and the occupier's ideology.

(Ms. Corrêa da Silva)

I should like to quote from a letter written by the parents of the children massacred at Santa Cruz to human rights supporters two months ago:

"We are a people with a national identity which has developed throughout generations. Our culture, traditions, language, customs and religion set us apart from others, particularly Indonesians. We were brought up with deep values which despite our weakness and poverty as a people underline the strength of our personality, different to Indonesians."

In a deliberate Government policy to outnumber the local population, Indonesia is encouraging massive waves of transmigrants from Indonesia to East Timor, taking land and jobs from the East Timorese people.

I should also like to call attention to the situation of the political prisoners. Their trials are illegal and unfair. We do not know anything of the condition of many prisoners, including Xanana Gusmao, Mau Huno and Saturnino da Costa Belo. After the visit of Mr. Amos Wako, 13 prisoners were deported from Dili to various places in Indonesia. Access to the prisoners was so restricted that the International Committee of the Red Cross publicly announced that it had to suspend visits to them.

But outside East Timor as already mentioned, the international community is reviewing its approach to the problem. The press quotations mentioned are but a few examples of the wider reality of changes in public opinion. In addition, there is growing awareness in the more restricted, but more powerful, political and diplomatic milieus. A letter supporting East Timorese rights was sent to President Clinton by 43 of the 100 United States Senators. Also in the United States the Congress voted to cut off military aid to Indonesia in the first substantive measure the United States has ever taken against Indonesia over East Timor.

(Ms. Corrêa da Silva)

Dozens of influential international personalities, including several Nobel Peace Prize winners, have appealed to the United Nations Secretary-General, expressing deep concern at the situation of Xanana Gusmao and demanding his immediate release. The United Nations Commission on Human Rights approved a resolution strongly condemning Indonesia for its gross violation of human rights in East Timor and calling for greater participation of the United Nations. In the Bangkok preparatory meeting for the World Conference on Human Rights, which included Governments and non-governmental organizations from the Asia-Pacific region, the non-governmental organizations, some of which were from Indonesia, publicly supported for the first time the rights of the East Timorese to self-determination. Even in Indonesian society there is growing criticism of the situation and greater willingness to discuss it.

The United Nations has proved that it has the mechanism to solve this kind of problem, as the case of Eritrea has already shown and the case of Western Sahara will soon demonstrate. The mechanism is a referendum. But there are some necessary preconditions, including access to the Territory by independent human-rights observers, the release of all political prisoners and the participation of the East Timorese people in the ongoing negotiations between Portugal and Indonesia under the auspices of the Secretary-General.

All colonial empires must come to an end. As Portuguese, we know this from our own experience.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Luis Guterres (FRETILIN) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Guterres.

Mr. GUTERRES: On behalf of FRETILIN - Front for an Independent East Timor - I welcome this opportunity to address the decolonization Committee on the question of East Timor.

I should like to take this opportunity to thank you, Mr. Chairman, for the initiatives you have taken in the aftermath of the capture of the leader of the resistance, Mr. Xanana Gusmao. As we stated in our letter to you last November, Xanana remains the leader of the Timorese resistance.

We express our deepest appreciation for the efficient and balanced manner in which the Secretary-General of the United Nations, Mr. Boutros-Ghali is dealing with the question of East Timor. We should also like to take this opportunity to express our gratitude to Governments, non-governmental organizations, political parties, church leaders and Members of Parliament that have denounced the ongoing occupation of my country and the massive violations of human rights. May I also express our gratitude for the decoration recently given by Portugal, the administering Power of East Timor, to East Timor's national hero, Mr. Xanana.

The adoption by a large majority of the resolution on East Timor during the February meeting of the Commission on Human Rights was welcomed by the East Timorese. They saw it as a red light for the Indonesian Government. But the Indonesian generals have not complied with this resolution, as they have not complied with previous resolutions of the United Nations system.

The situation in East Timor has not improved. The country is still closed. The arrests, torture, disappearances and extra-judicial killings of Timorese continue, both in East Timor and in Indonesia. Timorese workers in Indonesia are in a very precarious situation, which was denounced by Asia Watch in its May report. We urge Indonesia to comply with the International Labour Organisation conventions on the matter.

(Mr. Guterres)

In a recent letter addressed to the international community, fathers of those who died in the Santa Cruz massacre appealed to those competent to do so to demand that Indonesia provide them with the remains of their children for burial.

On 12 May the wives of East Timorese prisoners made the following dramatic appeal:

"Unfortunately, we are not enjoying any progress. In fact, we are now in a worse situation than before. It so happens that after the visit of Mr. Amos Wako, on the very next day - 8 April 1993 - seven political prisoners were transferred to Kupang, in Indonesian West Timor."

Timorese civilians working for the Indonesian administration are now a military target, since the beginning of operations headed by General Theo Syafei, code-named Tuntas and Lilinbessar. Their aim is to arrest what the Indonesian security apparatus calls two-headed Timorese.

The announcement by the Indonesia Armed Forces headquarters of the disbandment of the Kolakops Special Command for East Timor cannot be seen as a remedy for the systematic abuses in East Timor. In an interview in the Indonesian magazine Editor on 22 May this year, the Governor of the outlaw "provincial government" clarified any doubts. Answering the journalist's question on the future of East Timor now that Kolakops has been dissolved, he said:

"No problem, because only the structure has been dissolved. But its operational activities still go on. Only its control is no longer in the hands of the Kolakops Commander, but rather in those of Korem. It will go on, especially since the Kolakops Commander has now become the Udayana military commander. There won't be any changes."

(Mr. Guterres)

The Apostolic Administrator of the East Timor Diocese, Bishop Belo summed up the East Timor situation in his recent interview with The New York Times reporter Philip Shenon, saying:

"We lack the freedom to speak, to walk where we want, to have different opinions."

It is a matter of grave concern to us that our leader, Mr. Xanana, has been sentenced to life imprisonment. Such a sentence shows disrespect for the many dignitaries who appealed to President Suharto of Indonesia on his behalf. At the appropriate time we condemned the illegality of his arrest and denounced his travesty of a trial. As the Indonesian Legal Aid Foundation pointed out, it was the first time in the history of Indonesia's judicial system that a defendant was not allowed to read his defence plea.

We urge Indonesia to release all political prisoners and to facilitate the work of the International Committee of the Red Cross in East Timor.

Why are we East Timorese still struggling against so many difficulties? The answer is given in a recent letter written by the wives of political prisoners. They wrote:

"We also exist as human beings, as a people with its own history, culture, religion and ethnicity. Throughout our history we have as a people had different characteristics from the Indonesian people. There is no doubt that we are not, and do not wish to be, part of Indonesia.

"From many stages of the struggle which we have witnessed we see that the heroic actions and endeavours of our husbands and of those heroes and martyrs who have fallen along these 17 years have not been in vain. Our struggle takes further shape day by day leading to a final

(Mr. Guterres)

solution even if the sacrifices have been hard, especially for our husbands. Their suffering as political prisoners has been immense. But we will bear this cost."

The East Timorese resistance is a genuine struggle. A small, defenceless, third world country is defending itself against military invasion and occupation by its powerful, rich neighbour, which is one of the biggest countries in the world. It was not, and is not, a conflict between East and West or North and South, as the records of the United Nations General Assembly and the Human Rights Commission easily demonstrate. Five days after the invasion the General Assembly adopted resolution 3485 (XXX). The majority of Western nations abstained, but only eight third world or southern countries voted against the resolution, and the overwhelming majority of United Nations Members voted in favour of it.

At the first meeting of the Non-Aligned Movement after the invasion of East Timor - the Summit Conference in Colombo, Sri Lanka - Indonesia tried to prevent discussion of the East Timor question. However, only 11 countries out of 85 opposed the inclusion of the East Timor question in the final political Declaration, which stated support for the self-determination and independence of the people of East Timor and referred to the previous resolutions of the United Nations General Assembly and the Security Council.

No resolution by any United Nations body or by the Non-Aligned Movement itself has ever accepted Indonesia's annexation of East Timor.

We have a right to self-defence, a right specifically recognized by the international community.

Since the arrest of Mr. Xanana Gusmao, the armed resistance has intensified the level of military activity against the occupation forces. From last December to June there have been many attacks in the central and

(Mr. Guterres)

eastern regions of East Timor, with 85 soldiers being confirmed killed in action. To cover up the military activities by FALINTIL, the National Timorese guerrilla forces, the Indonesian generals launched a domestic and international propaganda campaign, announcing the surrender of thousands of guerrillas. However, this is far from true; after a short period of uncertainty, the top resistance structure continues to work. With great determination, courage and experience, we have been able to overcome these difficulties. As Commander David Alex, of the Eastern Region, today a member of the collective leadership of the resistance, pointed out in article published in an Australian magazine,

"We live side by side with the enemy. We rub shoulders with him. For us this is normal."

On the other hand, we must recognize that the solution to the Timorese question is not military, but political. As Xanana Gusmao admitted in his defence plea:

"The Indonesian generals should be made to realize that they have been defeated in East Timor. Here, today, as the commander of FALINTIL, the glorious armed forces of national liberation of East Timor, I acknowledge military defeat on the ground. I am not ashamed to say so. On the contrary, I am proud of the fact that a small guerrilla army was able to resist a large nation like Indonesia, a regional power which in a cowardly fashion invaded us and wants to dominate us by the law of terror and crime, by the law of violence, persecution, prison, torture and murder.

"The moment has come for Jakarta to recognize its political defeat on the ground."

(Mr. Guterres)

In March this year some Indonesian newspapers published reports acusing the guerrillas of killing two Indonesian students who were participating in a work-study programme in East Timor. Immediately after the incident, the Association of Youth and Students of East Timor released a communiqué stating:

"We, in the name of East Timorese youth, ask forgiveness and join in sadness at the death, shot by our own forces, FALINTIL, of brother Jokowitoyo, from the Peterkakan Karanganyr Academy, Surakarta and brother Sukimanto, from the Saptataruna Technical Civil Academy, Jakarta, on March 17 in Lospalos, while on a work-study programme."

My organization attaches great importance to the Geneva Conventions that protect civilians during armed conflicts. The value of a human life must be the same, whether Timorese or Indonesian, South African or Palestinian, a believer in Islam or a Christian, a Buddhist or a Hindu. My organization is not interested in accusing Indonesia of violating human rights while closing our eyes to the violations committed by the resistance guerrilla army, FALINTIL. Therefore, if the United Nations Secretary-General feels it necessary, my organization is fully prepared to cooperate in obtaining clarification on that matter.

(Mr. Guterres)

We suggest that the work of the Special Rapporteurs and Working Groups, as mentioned in operative paragraph 9 of this year's resolution on the situation in East Timor by the Commission on Human Rights, E/CN.4/1993/L.81, be extended to operational areas controlled by the Timorese resistance. As we have stated, we are ready to facilitate their work, including by organizing meetings with the new leaders and commanders of FALINTIL.

We do agree that in the past we, the political parties of East Timor, have made mistakes. We, FRETILIN and the UDT, have together accepted responsibility for the 3,000 to 4,000 human lives lost during the civil war that lasted one month, from August to September 1975.

Members of the Australian Parliament who visited the Territory during that time, in September 1975, found it at peace, save for minor border clashes with the Indonesian forces. In the words of Mr. Ken Fry, in his testimony before the United Nations Security Council in April 1976,

> "We found the FRETILIN administration to be responsible and moderate, and it it obviously enjoyed strong support from the East Timorese people. The prisoners were being well cared for, and it is worth noting that the prisoners included some FRETILIN members who had been apprehended for breaches of discipline." (S/PV.1909, p.36)

Our adherence to the rules of international law and to the Universal Declaration of Human Rights is based upon our conviction that the best thing for our country is freedom and democracy. There can be no real development without strict respect for human rights.

Turning to the so-called "progress and development" propagated by Indonesia, I shall not discuss the data given out by the Indonesian authorities, but I should like to share with the Committee the general feeling

(Mr. Guterres)

of our population. A Timorese economics student studying in Indonesia once told a foreign visitor that East Timor was like a ping-pong table: the money hit East Timor with a loud noise and returned to Jakarta silently. As Xanana said in his statement:

"Today, the Indonesian government can show the world its de facto control of the territory, and claims to be developing the territory which it is occupying, while at the same time condemning the ones who were not able to do this, namely Portugal. Is it that because Portugal failed to develop East Timor for 400 years, we Timorese have had to pay for the errors of one colonizer while also paying for the crimes of the other colonizer?

"...

"I have been lectured a lot about the backwardness of Portuguese colonialism ... They want to show me the development in East Timor as if this were just a matter of statistics, to be compared with the Portuguese colonial period. I should ask whether colonialism can be quantified as good or bad.

"...

"I remember once while in Jakarta, in order to make a change from recording all my movements in jail, they took me handcuffed for a tour of the city and they showed me the gold of Monas, the national monument of Indonesia. I felt like shouting to my warders that I would never sell my soul for the crest of gold Monas, and still less would I ever sell my people."

The future of East Timor is in the hands not only of the East Timorese, but also of the Indonesian democrats. We have shared the same prisons, in

(Mr. Guterres)

Jakarta or on other islands. The same military regime has oppressed us. But the winds of change have arrived in Indonesia. For example, a leading Indonesian writer, with millions of books sold world wide - Mr. Pramoeda - has stated:

> "It is no longer the era to promote the idea that the formation of a strong country can be achieved through cold-blooded contempt for and the theft of the rights of its own people through an apparatus and system of violence. A country is strong because its citizens are strong and fearless ... and we especially say that all forms of violence in East Timor should be stopped."

I should also like to recall the declaration of the 11-member University Students' Senate of Indonesia, operative paragraph 8 of which says:

> "We call on the Indonesian Government to withdraw all elements of the armed forces from East Timor without delay and to give the people of East Timor absolute freedom to exercise their right to self-determination, in order to put a halt to any more spilling of blood."

Its operative paragraph 9 says:

> "We are resolute in our determination to carry out actions in opposition to armed violence against the people of East Timor until these demands have been met."

We are prepared to participate in the process of negotiations under the auspices of the Secretary-General of the United Nations. We are prepared to participate in a referendum organized by the United Nations in order to determine the future of East Timor. We are prepared to accept the popular verdict of the East Timorese people. Is Indonesia prepared to do likewise?

The CHAIRMAN: Does any member of the Committee wish to ask any questions?

Mr. ARDHAOUI (Tunisia) (interpretation from French): My delegation listened with great satisfaction to the statement by Mr. Guterres, because whenever you have called on a petitioner today, Mr. Chairman, we have turned round to look at the petitioner and have noted, judging simply by physical appearance, that many really had nothing to do, directly or indirectly, with the question of East Timor. We have just listened to somebody who is actually from East Timor, and that was a pleasure for my delegation.

I should also like to say that since this morning we have been listening to a large number of petitioners. I pay tribute to the delegation of Indonesia, which has refrained from entering into the dangerous game of bringing along a large number of petitioners who in reality add nothing to our understanding of the problem or to our search for a solution. The delegation of Indonesia could have brought along a thousand petitioners and filled the Chamber, but that would have served no purpose. The number of petitioners will not sway any delegation one way or the other; what will influence us is the content of their statements.

I listened carefully to the last statement, by the representative of East Timor. I have great respect for him, I pay tribute to him, and I have no fault to find with him. He at least has the right to come here and speak.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas S. Mahedy (Pax Christi International) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Mahedy.

Mr. MAHEDY: Pax Christi International would like to thank you, Sir, and the other members of the Special Committee of 24 for this opportunity to present a statement on the question of East Timor.

Pax Christi International, the international Catholic peace movement, would like to address the human rights situation in East Timor. Pax Christi is deeply concerned about reports from human rights organizations and the United Nations Special Rapporteur on the question of torture.

In Amnesty International's February 1993 report, "Indonesia East Timor: A New Order? Human Rights in 1992", it is reported that

> " ... the overall pattern of human rights violations - encompassing short-term detention, torture and ill-treatment of suspected political opponents, intermittent political killings and 'disappearances', long-term political imprisonment after unfair trials, and the intimidation of relatives and human rights workers - has continued unabated."

A 21 May 1993 Amnesty International press release, headed "East Timor: Xanana Trial a Travesty of Justice," deplored the recent trial and life imprisonment of East Timorese resistance leader Xanana Gusmao as "blatantly unfair" and "marked by the violation of basic international and domestic human rights". An April 1993 Asia Watch report, "Remembering History in East Timor: The Trial of Xanana Gusmao and a Follow-up to the Dili Massacre", shares some of these concerns about the trial proceedings.

(Mr. Mahedy)

Human rights abuses have also been reported by the United Nations. The United Nations Special Rapporteur on the question of torture concluded in 1992:

"torture occurs in Indonesia, in particular in cases which are considered to endanger the security of the State". (E/CN.4/1992/17/Add.1, para. 73)

In several areas, including East Timor,

"which are deemed to be unstable, torture is said to be practised rather routinely". (ibid.)

Pax Christi International urges action to stop these systematic patterns of human rights abuses. These actions should include the implementation of the recommendations in the January 1992 report (E/CN.4/1992/17/Add.1) of the United Nations Special Rapporteur on the question of torture following his visit to East Timor; the recommendations of resolution 1993/97, adopted by the United Nations Commission on Human Rights in March 1993; and finally, the recommendations of the February 1993 Amnesty International report on human rights. These actions can provide a comprehensive approach towards ensuring that the East Timorese people are protected under the United Nations Charter and mandates.

Let us commit ourselves and work together in open and courageous dialogue and action to implement these recommendations and establish mechanisms to respect and protect the rights and the cultural and religious traditions of the East Timorese people.*

The petitioner withdrew.

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* Mr. Bangali (Sierra Leone), Vice-Chairman, took the Chair.

At the invitation of the Chairman, Mr. Miguel Urbano Tavares Rodrigues (Member of Portuguese Parliament - Communist Party) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Tavares Rodrigues.

Mr. TAVARES RODRIGUES (interpretation from French): As a member of the Portuguese Parliament as well as a member of my Parliament's Committee on East Timor, I have two objectives in coming before the United Nations Special Committee of 24. The first is to denounce a continuing repressive situation and human rights violations by the authorities of the Republic of Indonesia, which is illegally occupying the Territory of East Timor. Secondly, I wish to emphasize the urgent need to find a solution to allow the people of the Territory to exercise its right to self-determination and independence, according to the relevant resolutions of the General Assembly and the Security Council.

Despite the commitments made to this Committee and also at international conferences, the Republic of Indonesia has made violations of human rights in East Timor into a daily practice throughout the last 12 months.

The former leader of the resistance, Xanana Gusmao, condemned to life in prison, was not able to defend himself before the court. The verdict was a legal farce; he was not even allowed to speak. We heard this morning, through quotations read by the representative of the National Council of Maubere Resistance, extracts from the statement that Mr. Xanana Gusmao wished to deliver, but was not allowed to. To show what this trial was like, we recall that foreign diplomats were unable to attend the trial and that two sittings were closed to United Nations representatives.

We have no news of Mau Huno, another leader of the East Timor resistance, since he was captured by the Indonesian Army.

(Mr. Tavares Rodrigues)

At the conclusion of the Non-Aligned Conference in September 1992, President Suharto strongly defended the right of peoples to self-determination and independence, and condemned the crimes and violations of human rights suffered by the Palestinian people and the people of Bosnia and Herzegovina. He was on the side of the weak attacked by powerful neighbours. And yet his speech contained not a word about the crimes against and - it must be said - the genocide of the people of East Timor, victims of aggression by Indonesia, his own country. It is a strange contradiction.

President Suharto said a few days ago that Indonesia occupied East Timor in 1975 because of love of freedom and sensitivity to the problems of human rights. Is the massacre of some 200,000 East Timorese since the invasion the result of Indonesia's love of freedom? Was the protection of human rights the reason for the Santa Cruz massacre by the Jakarta army? Was it for love of freedom that the Indonesian police in Dili cut off the ears - I repeat: cut off the ears - of citizens protesting the illegal occupation of their country?

(Mr. Tavares Rodrigues)

The European Parliament and the European Council have often drawn attention to Indonesia's policy of human rights violations in East Timor. At its Paris session in June, at which I was present, the Assembly of the Western European Union unanimously adopted a resolution recommending that the Council impose an embargo on arms sales to Indonesia and suspended all military assistance until the Jakarta Government recognizes the East Timorese people's legitimate right to exercise self-determination and independence.

The appeals made by United States Senators in defence of human rights in Timor are a very positive factor.

Also very positive is President Clinton's decision to change certain aspects of United States policy on East Timor and to take a stand against the violations of human rights - and that he has discussed this with President Soeharto. Still, this was a modest step - I should say a very modest step - as the Washington Post stressed when it wrote that responsibility must be placed upon the Government of Indonesia for the theft of the Territory's independence.

Indonesia remains arrogant precisely because its Government knows it can count on the active complicity of some of the major Powers. For example, the United States, through a formal State Department statement, long ago recognized the annexation of East Timor as a fait accompli, despite United Nations resolutions.

The bad example set by States with special responsibilities encourages Indonesia's dictators to ignore General Assembly resolution 1514 (XV). Jakarta views the dialogue with Portugal, in which the Secretary-General acts as mediator, as entertainment for Foreign Minister Ali Alatas, a chance to exercise his diplomatic skills. Not even the Vatican has been spared his verbal pirouettes.

(Mr. Tavares Rodrigues)

Increasingly obvious and serious international disorder contributes to the deadlock on Timor. Jakarta can challenge the United Nations Charter, knowing that a double-standards policy is casting doubt on the prestige of the primary and most highly respected international organization.

When a major Power like the United States unilaterally undertakes military operations without a United Nations mandate - as we saw it do only a few days ago - it should come as no surprise that the Government of General Soeharto does not respect United Nations resolutions.

The people of East Timor have given us countless examples of heroism during their 18-year struggle for freedom and against foreign occupation. Yet since this Committee's last session not a single Indonesian promise has been kept. Jakarta is thumbing its nose at the international community.

Today, as in the past, a positive response to the aspirations of the Maubere people depends on the determination of powerful States to ensure respect for the Charter of the United Nations, which is always praised but increasingly ignored.

Above all, the United States must change its policy towards East Timor to conform to the principles of its democratic Constitution, which forms the basis of the greatness of that nation.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Adriano José Alves Moreira (Member of the Portuguese Parliament - CDS Party) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Moreira.

Mr. MOREIRA: I wish first of all to thank the Committee for this opportunity to address a question that is importart to Timor, to Portugal and to the international community.

(Mr. Moreira)

On 12 December 1975 the General Assembly adopted resolution 3485 (XXX) condemning the Indonesian invasion and recognizing Portugal as the Power responsible for administering East Timor. Since April 1977 the Government of Portugal has annually informed the United Nations that it has been prevented by the presence of Indonesian armed forces from transmitting information under Article 73 of the Charter.

Between 1976 and 1982 the General Assembly adopted, on the initiative of several countries, seven resolutions on the situation in East Timor, but the armed forces of Indonesia are still there.

In December 1992 the first of a series of meetings sponsored by the United Nations was held at United Nations Headquarters in New York between the new Minister for Foreign Affairs of Portugal, Mr. Durao Barroso, and his Indonesian opposite number, Mr. Ali Alatas. No significant result was obtained, and another meeting was fixed for last April.

On 20 November 1992 José Alexandre "Xanana" Gusmao, leader of the pro-independence movement and of the armed resistance movement, was arrested by the Indonesian authorities. His trial began in Dili in conditions that are open to criticism. Gusmao was not allowed to choose his own lawyer; the lawyer he was given did not attend the hearing. Amnesty International was not authorized to attend the hearings. At the penultimate hearing, in May, the judges forbade Xanana to read out a 26-page document he had prepared. His lawyer said that this was contrary to Indonesian law. Held up during his stopover in Bali, the United Nations observer was able to attend only two of the trial's last four hearings, contrary to the undertakings given by the Minister for Foreign Affairs, Ali Alatas. On 21 May Xanana Gusmao was given a life sentence.

(Mr. Moreira)

The Commission on Human Rights, at its forty-ninth session, held in Geneva in March 1993, adopted a resolution criticizing Indonesia's policy of repression and the use of torture in East Timor.

Those are the facts. I represent the Portuguese Parliament's Special Committee on East Timor, and my intention is to inform the Committee of our position on this issue.

It is difficult to see the end of the cold war as a dividing line between epochs and not to speak, in view of developments in the former Soviet territories, of the problem of self-determination. It is impossible not to point out a serious omission here, because it tends to categorize as dispensable all those peoples - more than 50 million human beings - that possess no international voice.

That is why, with the Santa Cruz massacre in mind, we must stress that the Charter's provisions guaranteeing the right to self-determination have not yet been declared to have expired, and that the hierarchy of interests of the great Powers does not coincide with international legal order. That is also why we cannot consent to this question being defined as a conflict between Portugal and Indonesia. It is a conflict between Indonesia and the international community. It is a rebellion by Indonesia against the Charter.

(Mr. Moreira)

In short, the United Nations does not have to limit itself to an arbiter's role. It must, on the contrary, assure direct intervention on behalf of the international community, against which Indonesia is in rebellion. We should not only remember the victims of the massacre, a genocide in progress inscribed on the list of crimes against humanity; we should not only reaffirm Portugal's total commitment to safeguarding the Timorese people's right to exist and the commitment of all political forces and Portuguese society to their right of self-determination; and we cannot only repudiate the violation of human rights which is taking place day by day. We must also call on the Members of the United Nations to demand that the Chapter of the Charter concerning self-determination shall not have different readings - that is, that it cannot be made silent. We cannot forget that the primary responsibility for the situation of Timor belongs to the General Assembly and the Secretary-General. We say that there are no dispensable peoples and that genocide cannot be repeated without condemnation in this new era of the United Nations.

It is with this sense of realism that we appeal to the new Administrations of the United States of America and Australia to reconsider their policies towards an aggressor - Indonesia. The intolerable declaration of res consumata must be vigorously repudiated.

A representative said that this meeting involved a loss of time. I should like to inform him that for the Timorese it is a question of loss of lives.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Luis Manuel Costa Geraldes (Member of the Portuguese Parliament, Social Democratic Party) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Geraldes.

Mr. GERALDES: Unfortunately, the dramatic situation in East Timor is again on the agenda of the Special Committee of 24. I say "unfortunately" because the drama of East Timor is a creation solely of Indonesia and can be satisfactorily resolved only by the international community. However, I regret to say that it appears that the international community is powerless, or, worse still, unwilling to create the right conditions to enable the people of East Timor to set their own destiny and live with dignity.

As a gentle reminder, please allow me to highlight a few relevant events that I consider to be of paramount importance.

The invasion of East Timor in 1975 violated the basic principles of international law and, accordingly, the unilateral annexation of the Territory was never recognized by the international community.

On 12 December 1975 the United Nations General Assembly adopted, at its thirtieth regular session, resolution 3485 (XXX), condemning the Indonesian invasion and recognizing Portugal as the Power responsible for administering East Timor. On 22 December 1975 the Security Council unanimously - and I underline the word "unanimously" - adopted resolution 384 (1975) on the same subject, drafted in like terms, insisting that Indonesia withdraw its armed forces from East Timor and recalling the right of the Timorese people to self-determination and independence.

Between 1976 and 1982 the General Assembly adopted, on the intiative of several countries, seven resolutions on the situation in East Timor.

(Mr. Geraldes)

On 23 November 1982, in resolution 37/30, the General Assembly mandated the Secretary-General to seek, in consultation with all parties concerned, a global solution to the problem of East Timor. Despite the fact that there have been regular contacts and annual reports on this question have been submitted to the Secretary-General, the situation in loco remains, unfortunately, unchanged.

On 17 December 1992 the first of a series of meetings sponsored by the United Nations was held here at United Nations Headquarters between the Portuguese Minister of Foreign Affairs, Mr. Durao Barroso, and his Indonesian counterpart, Mr. Ali Alatas. Unfortunately, no significant results were obtained, and a second meeting was then set for 20 April 1993 in Rome. At this meeting the representative of Jakarta merely asserted that East Timor belonged to Indonesia. A third meeting is now scheduled for 17 September.

In view of the facts I have outlined, what has the international community achieved so far? On the other hand, here is the proof that Indonesia, the illegal occupier of East Timor, which is a former colonial Territory that had to fight honourably in the past for its own freedom, continues to show disrespect for, and defy, the international community.

Notwithstanding the unanimous resolutions adopted by the General Assembly and the Security Council, Indonesia continues to occupy illegally the Territory of East Timor, therefore violating a basic principle of international law.

Since the invasion of East Timor by Indonesia in 1975 more than 200,000 Timorese - approximately one third of the entire population - have been killed by Indonesia. This represents a human sacrifice on a proportional scale probably without parallel in the second half of this century.

(Mr. Geraldes)

Since the illegal occupation of East Timor, Indonesia has been successfully destroying the culture, religious beliefs and traditional family life of all Timorese.

In East Timor the basic human rights and fundamental freedoms simply do not exist.

What a shameful and unfortunate situation humanity has to witness at the turn of the century! How much longer will the international community have to submit to the arrogance and disrespect of Indonesia?

As the legal and recognized administering Power, Portugal has as its main objective regarding East Timor the completion of the process of decolonization. This should be done with full respect for the United Nations Charter and General Assembly and Security Council resolutions, all accepted *in toto* by Portugal, and for the legitimate rights of the people of East Timor, including the right to choose freely their political destiny.

(Mr. Geraldes)

Human dignity has no price. Fortunately, every democracy in the world today considers the question of human rights to be the principal concern of the last decade of the century. Some significant results can already be seen.

The posture adopted by President Clinton when he recently met President Suharto in Tokyo is a clear indication that human-rights and fundamental-freedoms issues are taking a more responsible course.

In the name of humanity and human dignity, let us all respect the wishes of Mr. Xanana Gusmao and of all the Timorese people. Let us all contribute positively to East Timor's ability freely to choose its own political destiny.

Finally, I should like to remind those who perhaps suffer from circumstantial amnesia that there is no need for new ideas to solve the problem of East Timor. Implementing the relevant United Nations resolutions would be sufficient to resolve the Timorese issue.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Antonio de Almeida Santos (Member of the Portuguese Parliament, Socialist Party) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Santos.

Mr. SANTOS: Having had the privilege of listening to my delegation colleagues, I should like to say that I agree with them and have little to add. I should like, however, to say just a few words.

If the question of East Timor is of as little importance as we have heard here, I must conclude that human-rights violations are of no importance. I wish to make it clear to this Committee that for my country, represented here by a parliamentary delegation, any solution to the situation in East Timor

(Mr. Santos)

other than the recognition of its people's right to self-determination and independence is absolutely unacceptable.

In 1975, my country, after more than four centuries of colonial relations, recognized the East Timorese people's right to self-determination and independence in a document signed by the President of the Republic of Portugal, a document which later was signed into Portuguese law and, a year after that, was inscribed into our Constitution as a right of the people of East Timor. At that exact moment, Indonesia, exploiting the difficulties of the colonization process, invaded East Timor, killing 200,000 Timorese - I repeat, 200,000 Timorese - according to estimates by the International Committee of the Red Cross. The Indonesians remained, oppressing the Timorese population and killing more and more people, as we have recently learned through television reports. We cannot accept this.

When we heard that Indonesia considered East Timor to be the twenty-seventh province of its country, we asked "How is that legitimate? When, where and how did these occur the referendum referred to here by the representative of Indonesia, in which the East Timorese people determined their future, their destiny and, most important, their integration into Indonesia?"

This is not the "so-called" question of East Timor. It is a real, dramatic question of our time. And probably we have not known in our time of a genocide more dramatic or more unjust than the one that took place in East Timor.

The representative of Indonesia said that the process was carried out in conformity with the principles of the Charter of the United Nations and of

(Mr. Santos)

General Assembly resolutions. I ask you, Mr. Chairman, whether the United Nations is satisfied with this kind of respect for its Charter and its resolutions.

Of course, it is not difficult to say that, but it is a lie. And to lie is not yet allowed by international rules. Portugal, I can assure this Committee, is determined to fulfil its obligation, as administrative entity, to prepare the self-determination process of East Timor. The international community must pressure Indonesia through diplomatic means, economic means and other means in order to force it to respect the United Nations Charter and the resolutions of its General Assembly.

One representative told us that we had heard here no new ideas for the solution of the problem. The right to self-determination is one of the youngest ideas in the world. We do not need another. What we need is new attitudes on the part of Indonesia. Why does the representative not ask for new attitudes on the part of Indonesia? The situation in East Timor does not remain the same; it has changed for the worst.

It is difficult to understand the position of countries that accede to self-determination and to independence, but refuse that same right to other peoples fighting for the same goals. But after 18 years, the people of East Timor still resist. They are a very courageous people, who fought against the Japanese during the last war, refusing to accept the policy of neutrality of my country's Government. They will continue to resist. The problem, if you will, is giving them the international protection they need to continue their fight until they achieve true independence.*

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* The Chairman returned to the chair.

(Mr. Santos)

In my opinion, the situation in East Timor is a question of coherence, of sincerity, of our self-respect. My colleague Mr. Moreira said that it was a question not of a conflict between Portugal and Indonesia but of a conflict between Indonesia and the international community. I agree, but I say that it is also a conflict between each one of us and our inner selves.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Carmel Budiardjo (British Coalition for East Timor) took a place at the petitioners' table.

The CHAIRMAN: I call on Ms. Budiardjo.

Ms. BUDIARDJO: On behalf of the British Coalition for East Timor, I would like to thank the Committee for this opportunity to petition it today. The Coalition was set up by concerned members of the British public following the Santa Cruz massacre in 1991.

This Committee has considered the question of East Timor for many years now. This year it must consider that question in the light of the fact that East Timor is finally on the international agenda. In Tokyo last week, before the summit of the Group of Seven, United States President Clinton took President Suharto to task over Indonesia's human rights record, especially in East Timor. In March, the United Nations Commission on Human Rights adopted a strong resolution that called for an investigation of the human rights situation in East Timor by four Special Rapporteurs, while acknowledging the Indonesian Government's failure to honour the commitments it agreed in the consensus statement at the previous year's session of the Commission.

Despite these public pronouncements, some Western Governments appear to be saying one thing and doing another. Notable among these is the Government of the United Kingdom. The Minister for Overseas Development,

(Ms. Budiardjo)

Baroness Chalker, recently asserted that the United Kingdom Government was disturbed, not only by Indonesia's failure to honour its consensus commitments, but also by further reports of human rights violations, and

"deplores the continuing difficulties of the ICRC".

However, at the June meeting of the Consultative Group on Indonesia - the annual meeting of donor nations to Indonesia - the United Kingdom more than doubled its aid to Indonesia to $98 million.

When Foreign Minister Douglas Hurd visited Jakarta in April, he maintained that the linking of aid to human rights would not be a

"sensible and a fruitful thing to do."

The currently fashionable rationale as espoused by Mr. Hurd is that neither the United Kingdom nor other Western countries are entitled to press a Western version of human rights, a position which is irresponsibly self-fulfilling and will only further undermine the universality of human rights. The United Kingdom Government is supposedly following a "softly-softly" approach, but it looks more like the hard sell. Mr. Hurd was cautious in his mentions of human rights during his visit to Jakarta, but signed a concessional loan worth £65 million to fund a power station, which guarantees more trade for Britain, since the station must be built by a British company. Said Mr. Hurd:

"I do not think there is any other substantial market which has increased so much."

It is this all-consuming desire to, as one junior British Minister put it, improve on its position as Indonesia's sixth largest trading partner that ensures that the United Kingdom's concerns about human rights remain a very definite secondary priority. Nowhere is this more striking than in the arms trade, where the United Kingdom has indeed become Indonesia's number one

(Ms. Budiardjo)

supplier. Despite the lack of special security arrangements with Indonesia, Minister for Defence Malcom Rifkind felt it necessary to visit Jakarta in mid-May. That this was at a time when a deal for the export of 100 British Aerospace Hawk jets had become a matter of controversy within the Indonesian regime was not coincidental. While Mr. Rifkind was coy about the purpose of his visit, his hosts bluntly revealed that he had offered cooperation in the use of British-made sophisticated military equipment which had been the sticking point in negotiations with IPTN, Indonesia's State-owned aerospace company. Shortly afterwards, following nine months of denials and obfuscation because of its political sensitivity, British Aerospace finally announced a deal for the first 24 Hawk jets, worth 500 million pounds sterling, attempting to allay criticism by pointing to assurances it had received from the Indonesian Government that the Hawks would not be used against the East Timorese.

The position and priorities of the United Kingdom Government have already been expressed clearly, with the words:

> "The point of selling Hawk aircraft to Indonesia is to give jobs to people in this country. [In Britain.] There is no doubt ... that a Hawk aircraft can do nothing to suppress the people of East Timor."

At the very least, the role of these two-seat trainers and single-seat Hawks will be to provide reconnaissance and close cover for troops. Given the military operations under way in so many parts of the country, this role will be extremely important. It was to this use that the Indonesian army put United States-built Broncos, as well as to strafe and bomb the population.

In the light of Indonesia's previous use of counter-insurgency aircraft and its record of repeatedly breaking promises, it seems staggeringly naive to accept Indonesia's assurances at face value. Moreover, it is immoral and

(Ms. Budiardjo)

borders on the criminal to supply arms to a country in breach of two Security Council and eight General Assembly resolutions. This sort of behaviour is surely detrimental to the idea of international peace and security.

The United Kingdom is not alone, unfortunately. Germany has sold off a large portion of its eastern fleet to Indonesia. Australia is still keen to exploit the Timor Gap with Indonesia, even while the legality of such exploration is under consideration before the International Court of Justice. An unnamed official of the Swedish Foreign Ministry explained why the recent attempt of three Timorese to seek asylum in the Swedish embassy in Jakarta had come at an embarrassing time, saying:

> "A phase has been reached in Swedish-Indonesian trade relations that Sweden has worked very hard over the past few years to mature. It is just reaching fruition. Any activity such as this action by the three Timorese is anathema to our industrial cause."

The Swedish multinational ABB has just secured an order worth over $1.5 billion to build three power stations.

East Timor may, then, be on the international agenda, but the behaviour of certain countries which might be thought to have some leverage over Indonesia has allowed, and possibly even encouraged, the Indonesian Government to continue ignoring and flaunting the Commission on Human Rights resolution and the will of the international community.

It is an open secret that the talks between the Indonesian and Portuguese Governments under the auspices of the Secretary-General are going nowhere and that they are going there very slowly. After the latest talks in Rome, the two parties expressed their hope for "confidence-building measures". Unfortunately, this means rather different things to each of the parties. To the Indonesians it means the resumption of diplomatic relations; to the

(Ms. Budiardjo)

Portuguese, it means the withdrawal of the Indonesian army of occupation. This is the same slow, diplomatic dance that led to the parliamentary visit which failed to go ahead and ended with the sorry tragedy of the Santa Cruz massacre.

The Secretary-General's good offices have constantly been obstructed by the Indonesian Government's intransigence and blindness to the fact that the international climate has changed. It is time for this Committee and all those concerned in the peace process to acknowledge that intransigence. If there is no new diplomatic input, Foreign Minister Ali Alatas will continue to tell those who wish the East Timorese to be given the chance for self-determination to "Go fishing", as he has said in the past. If there is no new diplomatic input, the Indonesian Government will continue to claim that it invaded East Timor to "preserve human rights", a claim which is so sick that it would not be out of place in a black comedy.

(Ms. Budiarjo)

For there to be any meaningful peace, some form of demilitarization must take place, and it can take place only under some form of United Nations peace-keeping force. If the Indonesian and Portuguese Governments cannot start the process rolling by themselves, it is time for the international community to pursue alternative avenues. Most crucially, the East Timorese must be included in the next stage of talks, whatever form they take. Without their participation there can be no internationally acceptable solution - and worse, the plight of the Timorese will continue.

In 1983 the short-lived cease-fire between Indonesia and FRETILIN was broken. Ten years ago the Indonesian representative to this Committee described the situation in East Timor in the following words:

> "... the province is at peace. The wounds of the FRETILIN-and-Portuguese-inspired civil war have been healed. The whole population is actively engaged in the economic, social and cultural development of the province as a part of the Indonesian Republic". (A/AC.109/PV.1241, p. 46)

The reality, though, was that the Commander-in-Chief, General Benny Murdani, was unilaterally breaking the short-lived cease-fire negotiated between Xanana Gusmao and Colonel Purwanto by launching Operasi Persatuan - Operation Unity - a long and systematic campaign of bombing raids, encirclement, torture and executions. In the 10 years since then, little has changed, unfortunately. The Indonesian delegation still indulges in what can only be described as wishful thinking, and the East Timorese are no closer to experiencing peace and freedom in their own land.

This year has seen the outrageous show trial of Xanana Gusmao and the continuous and premeditated obstruction of the International Committee of the

(Ms. Budiarjo)

Red Cross (ICRC) in carrying out its mandate by no less a person than Major-General Theo Syafei, who also alleged that United Nations Special Envoy Amos Wako had incited Xanana Gusmao to adopt a confrontational position at his trial. In the short term, pressure must be brought to bear on the Indonesian Government to allow the ICRC to carry out its mandate and to grant non-governmental organizations and humanitarian organizations the access that has been promised to them.

The CHAIRMAN: I should like to put a question to Ms. Budiarjo. She used the phrase

"it would not be out of place in a black comedy" (supra, p. 75).

I do not understand this; could she explain what she meant?

Ms. BUDIARJO: A black comedy is based on what one would call sick jokes. Perhaps I should apologize if the word "black" is thought to have been used in a derogatory sense. I do not think it is meant at all in the sense of black people as against white people.

The CHAIRMAN: I thank Ms. Budiarjo for her clarification.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kan Akatani (Free East Timor Japan Coalition and Japanese Catholic Council for Justice and Peace) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Akatani.

Mr. AKATANI: I shall first make a statement on behalf of the Free East Timor Japan Coalition.

It is my honour to address the Committee on behalf of a coalition of 11 associations in Japan which are working in their respective localities to publicize the East Timor issue and to engage the general population and leaders of opinion in efforts to facilitate a solution.

(Mr. Akatani)

In the past year the Japanese coalition has noted with interest actions taken by the Japanese Government with respect to this issue. In January Prime Minister Miyazawa visited Indonesia in his official capacity and raised the issue of East Timor in talks with President Suharto. Prime Minister Miyazawa called on the Indonesian President to consider "the concerns of the international community" in Indonesia's handling of the issue. We also note that Suharto referred to the arrest of Xanana Gusmao, leader of the East Timor resistance movement. Suharto told Prime Minister Miyazawa that Xanana Gusmao would be treated in keeping with Indonesian law and assured the Japanese leader that nothing bad would be done to Mr. Gusmao.

Unfortunately, Indonesia did not stand by its promise. The trial of Xanana Gusmao was a travesty of justice, and at the end the judges violated Indonesian law by forbidding Xanana Gusmao to read out his final statement. There are now grave concerns about the safety of the East Timorese leader.

At the Commission on Human Rights, Japan abstained on the draft resolution on East Timor. Given Japan's past record of support for Indonesia, this change of position can be regarded as a step in the right direction.

Also encouraging was the stance taken by Japan at the World Conference on Human Rights held in Vienna last month. Indonesia was one of the leading proponents at the Conference of the principle of so-called cultural differences with respect to human rights, but Japan vigorously defended the principle of the universality of human rights. Japan even defended the principle of linking human rights and economic aid, though it must be said that Japan has yet to practise that principle.

We would like to take this opportunity to call attention to some aspects of the present situation in East Timor which have come to our notice. The information from East Timor which the Free East Timor Japan Coalition has

(Mr. Akatani)

received in the past year paints a completely different picture from that which the Indonesian Government has been presenting to the world. It also corroborates the often-heard statement that the Timorese people reject the Indonesian presence because of the ongoing human-rights abuses they suffer at the hands of the occupying forces.

Although Indonesia claims that it has greatly improved the welfare of the Timorese people, our understanding is that the people look with suspicion on the Indonesian welfare institutions. This is particularly true of clinics and hospitals. In spite of the acute shortage of medical personnel and medicines, Timorese do not avail themselves of the Indonesian hospitals that exist because they are afraid of the kind of treatment they will receive. If a Catholic-run clinic is available, no matter how poorly equipped it may be, they will go there instead. The doctors who are sent to East Timor do not speak Tetum, the language of the people; they are mostly young and inexperienced and do not devote themselves to the care of the people during their brief tour of duty in East Timor.

Rape by Indonesian soldiers continues to be a grave problem. A report we received from the Venilale area indicates that the Indonesian authorities are doing nothing to prosecute Indonesians who violate Timorese girls and women. The case of an Indonesian high-school teacher, known as "Simpson", who raped at least 14 girls in the area, shows how powerless the Timorese are to obtain justice. The relatives of one of the girls raped reported the incident, but the authorities merely transferred the man to a school in another district. He was later transferred back to Venilale. Also, school-girls are often raped by Indonesian soldiers when the girls are on their way to or from school.

(Mr. Akatani)

Corruption is said to be rampant in Indonesian-run schools. Students are often expected to bribe teachers in order to be promoted. Also, without a so-called connection, students cannot be accepted into high schools or vocational schools. However, if students should complain about these corrupt practices, their Indonesian teachers accuse them of being "FRETILIN members". There are reportedly many cases of students who have been arrested because their teachers accused them under such circumstances. Like that of the doctors, the quality of teachers sent to East Timor is generally very poor. Teachers the like of "Simpson" are all too common.

The human rights violations and constant indignities which the East Timorese must endure day after day will be ended only by a withdrawal of Indonesian troops. We call on the Special Committee to take immediate and firm measures to guarantee that the East Timorese have the opportunity to decide their own fate by themselves.

The CHAIRMAN: I understand that Mr. Akatani has another statement. I invite him to make it now.

Mr. AKATANI: My second statement is from the Japanese Catholic Council for Justice and Peace, whose President, Bishop Nobuo Soma, writes:

"Every year when the United Nations Special Committee on Decolonization meets and I am given the opportunity to make a statement, I think to myself that the time has come again this year to make a statement on East Timor, and I wonder when the question of East Timor will be resolved, making this exercise unnecessary.

"In this year's statement, I should like to share what I experienced in East Timor during my visit there, in the early part of June, which lasted for approximately a week. It is seven years since I was made responsible for the East Timor question within the Catholic Bishops'

(Mr. Akatani)

Conference of Japan, but it was only last June that I was able to fulfil my long-cherished desire to visit East Timor. I should like to share with you the warm words of welcome of the lay representative of a certain church I visited:

"'Bishop Soma, your visit to our land has transported us to an oasis from the desert of misfortune in which we live. It is indeed a providential instant, dear Bishop. There are here children who are hungry, young people seeking the truth, youths who are thirsting for justice, adults seeking peace, old people, widows, sick people seeking human warmth. Dear Bishop, the people of Timor and the Japanese people are joined together by the cross known as World War II. In recent times, the peoples have been joined by the cross of Christ, by those confessing the same faith. Dear Bishop, we are in need of your loving hand even in this very instant.'

"This is truly a cri de coeur from a people cut off from the outside world, from a place which may be called a prison. I have followed the effects of the acts of atrocity continually perpetrated over a period of 18 years, with the list headed by the Santa Cruz cemetery massacre, the massacre in the valley of Zumarai into which 300 people were thrown alive, Balibo, where Australian and other journalists were killed shortly after the invasion, and so on and so forth. With my own eyes I saw the situation, in which the people, fearing reprisals, could not tell of their suffering even to me. International society must not allow the pain and suffering, both spiritual and physical, of the Timorese people to continue any longer.

"Since before my recent visit, we have striven to study the human rights violations situation as well as the living conditions of the

(Mr. Akatani)

people through the reports of visitors to the island, and have tried to give humanitarian aid to the extent of our limited strength. In recent times, there have been cases of unwarranted interference by the Indonesian army even in the quite ordinary assistance that we have been providing in the educational and public welfare sector.

"In this situation, I wish to appeal to the Indonesian Government, from the bottom of my heart, that they should apply the high principles of the Pancha Shila, which they conceived at the time of attaining their independence, to resolving the question of East Timor in a way acceptable to international society at the earliest possible time. To leave this question unresolved in its present condition would be a tragedy for the Indonesian people themselves.

"As a very recent visitor to the island, I should like to underscore the point that the basic solution to the East Timor question is still the 'Need for a Referendum' stated in his 1989 letter to the Secretary-General of the United Nations by Bishop Carlos Filipe Belo of East Timor. I reconfirmed during my visit to East Timor that this 'National Referendum' was the one strong desire of the whole people. I would like to take this opportunity to appeal to the Secretary-General of the United Nations to exert his efforts specially for the realization of this referendum.

"In conclusion, I wish to request the Indonesian Government, pending the conclusive resolution of the East Timor question, to allow humanitarian assistance groups and human rights groups from outside the country to enter East Timor. No group or nation has the right to prevent a person from showing brotherly love to another person.

(Mr. Akatani)

"Speaking on behalf of the Timorese people, I wish to convey these urgent requests to the Indonesian Government."

The CHAIRMAN: Are there any questions at this time from the members of the Committee?

Mr. ARDHAOUI (Tunisia) (interpretation from French): The statement by the representative of the Catholic Bishops' Conference of Japan was very interesting. However, at the beginning of my question I should like to say that man is universal; he is the same wherever he might be, and there can be no distinctions made, nor can there be differences in treatment meted out to him wherever he be, and whether he be Catholic, Muslim, Buddhist or nothing at all. So, I should like to ask Mr. Akatani a question. Everything he has just said was very fine; his concern for the East Timorese is our concern, too, because people are people in Timor, too. Therefore, what he said is quite right. But have his two organizations, the Catholic Bishops' Conference of Japan and the Japanese Catholic Council for Justice and Peace been concerned with the fate of people in Bosnia? He spoke about women being raped in Timor, but women and girls are being raped every day in Bosnia. Have the two organizations on whose behalf he has just spoken addressed the case of the Bosnian people?

The CHAIRMAN: Mr. Akatani spoke on behalf of the Free East Timor Japan Coalition and the Japanese Catholic Council for Justice and Peace.

A question has been raised. You are at liberty to respond, Mr. Akatani.

The CHAIRMAN: I now call on Mr. Akatani.

Mr. AKATANI: As a layman, working with the Japanese Catholic Council for Justice and Peace, I read out a statement by my bishop, Bishop Nobuo Soma, the President of the Council and a man whom I very highly respect. He has worked on this question for over seven years as head of the Council. I have attended these meetings in Japan and know that these are his feelings on the situation in East Timor. I did not understand the questioner's comments about Bosnia and other places. I cannot speak for the bishop, but I do not think it is relevant at this time to raise the question of Bosnia. I do not know how to answer this.

Mr. ARDHAOUI (Tunisia) (interpretation from French): I did not raise the question of Bosnia; I raised the question of mankind in general, whether in East Timor or in Bosnia, and I asked a very specific question: have the two organizations that Mr. Akatani represents dealt with the situation of mankind as such, in Timor and in Bosnia? I am not speaking about the question of Bosnia, since that is not our agenda today.

The CHAIRMAN: I call on Mr. Akatani, if he wishes to respond.

Mr. AKATANI: I still do not understand the question. I believe, this Committee deals with the very specific issue of decolonization, and we are talking about East Timor. I do not know how to answer. I am sorry.

Mr. ARDHAOUI: (Tunisia) (interpretation from French): I am sorry Mr. Akatani did not understand me. My question was very clear. I take his reaction and response to mean that the two organizations he represented today have not dealt with mankind at all throughout the world, but only in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Mark Salzer, (Catholic Institute for International Relations) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Salzer.

Mr. SALZER: The Catholic Institute for International Relations continues to follow events inside occupied East Timor, and to document the continuing, tragic denial to its people of the ability either to determine its future or to celebrate its past. As a result of innumerable interviews and accounts from East Timorese people, accumulated over the last 17 years, we have long come to the conclusion that this people is deeply alienated from, and refuses to accept, Indonesian rule. We believe that this has also been acknowledged in a number of quarters in Indonesia itself, but this conclusion must be put to the democratic test.

We recall the United Nations Charter, which affirms the sovereignty of peoples and their sovereign right to choose their own future. We further recall successive United Nations resolutions which have called for Indonesia to withdraw from East Timor, so that its people can freely determine its own future.

We would like to draw attention to paragraph 1 bis of the recent Vienna Declaration, in which it is stated that:

"All peoples have the right of self-determination." The next paragraph states:

"Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva

(Mr. Salzer)

Convention on the Protection of Civilian Persons in Time of War of 1949, and other applicable norms of humanitarian law."

It is our contention, as we stated to the United Nations Secretary-General in a joint letter with the International Platform of Jurists for East Timor in December 1992, that the Government of Indonesia, in trying East Timorese prisoners of conscience under its laws, was in breach of international humanitarian law and international human rights law. We have appended a letter for the Committee's record.

No Government can relish constant criticism of human rights abuses. Indeed, an Indonesian Minister has described the case of East Timor as a sharp stone in its shoe. It is our belief that the Government of Indonesia, leader of the non-aligned nations, would prefer to be regarded as a Government which respects human rights. We presume that it is to this end that it has set up a national human rights commission. We welcome this, and would urge that the commission's mandate be broad and authoritative, with powers of investigation and publication aimed at advising at a governmental level. Only if this commission is given independence and real authority will the stains of human rights abuses which blot Indonesia's record stand a chance of being wiped clean.

We therefore appeal to the Government of Indonesia to abide by the conditions of the resolution recently adopted by the United Nations Commission on Human Rights, which calls upon it to facilitate visits to East Timor of humanitarian organizations and of three United Nations Special Rapporteurs, and to take urgent action to prevent any further obstruction by its military forces of visits by the International Committee of the Red Cross to political prisoners. In Foreign Minister Ali Atalas's statement to the United Nations World Conference on Human Rights on 14 June, he stated:

(Mr. Salzer)

"What is needed at this present stage of international developments is not heightened confrontation, but, rather, increased cooperation, compassion and mutual tolerance. We should not try to remake the world in our image, but we can and should try to make the world a more humane, tolerant, peaceful and equitably prosperous place for all."

We believe that Indonesia could live up to these words by agreeing to consult the East Timorese along with Portugal at round-table talks without preconditions under United Nations auspices, with the serious aim of reaching a settlement of this tragic impasse.

(Mr. Salzer)

"Despite all the forces against us,"

Monsignor Belo wrote to a European Church organization in December 1984,

> "we continue to hold and disseminate that the only solution to the East Timor conflict is a political and diplomatic one, and that this solution should include above all respect for the right of a people to self-determination. We also want respect for the cultural, ethnic and religious identity of the people of East Timor ... put into practice. As long as this is not implemented, there will not be a peaceful solution for East Timor".

The Catholic Church has consistently argued that the people of East Timor must be permitted to express themselves freely.

In another letter, written in 1989 to then Secretary-General Javier Péres de Cuéllar, Monsignor Belo repeated his call for a referendum, saying,

> "The people of Timor must be allowed to express their views on their future through a plebiscite. Hitherto the people have not been consulted. Others speak in the name of the people. Indonesia says that the people of East Timor have already chosen integration, but the people of East Timor have never said this. Portugal wants time to solve the problem. And we continue to die, as a people and as a nation".

Only disinterested and considered intervention by the international community can curtail this tragic and unnecessary conflict. The United Nations is the most appropriate forum through which this might be achieved. To succeed, a settlement must recognise Indonesia's legitimate security concerns. Above all, however, it must ensure that international law and democratic and human rights are affirmed. As a first step towards this, the

(Mr. Salzer)

silenced and defenceless, but unmistakably defiant, people of East Timor must be allowed to say freely what they have lived through and to choose the form of government under which they will live. This is the minimum condition under which peace might be achieved. It should be the lowest standard set by the international community. We appeal to the Secretary-General to prioritize peacemaking in East Timor at this time.

The petitioner withdrew.

The CHAIRMAN: I call on those representatives wishing to make statements at this stage.

Mr. RIBEIRO-TELLES (Portugal): I wish to make a few comments on the remarks made insistently by the representative of Tunisia during the hearings on this item. I deeply regret the fact that the representative of Tunisia tried systematically to divert the discussion by calling attention to other problems, including the problem of Bosnia and Herzegovina. What we are discussing today is the problem of East Timor, yet the representative of Tunisia has tried systematically to divert the Committee's attention from that grave problem.

Today's meetings have been most useful. We were able to benefit from statements by 24 petitioners, who took the trouble to travel all the way to New York and spare their precious time for the cause of the Timorese people. The Committee was given very relevant information on East Timor which will no doubt be useful in the preparation of its report to the General Assembly at its forty-eighth session, in accordance with its mandate from the Assembly.

In that context, do I need to remind the representative of Tunisia that East Timor is a Non-Self-Governing Territory under the terms of General Assembly resolution 1542 (XV) of 15 December 1960? Do I need to remind the

(Mr. Ribeiro-Telles, Portugal)

representative of Tunisia that the hearing of petitioners is one of the main competencies of this Committee with a view to providing useful information about the Non-Self-Governing Territories? Do I need to remind him that the General Assembly has given this Committee the mandate to keep under review the situation in East Timor? Perhaps I can refresh his memory by recalling that in resolution 37/30 - the latest General Assembly resolution on the subject - the Assembly

> "Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration..." (resolution 37/30, para. 2)

That mandate can be changed only by the General Assembly itself. Until then, this Committee must fulfil its responsibilities. The Committee cannot renounce its reponsibilities or its role.

Mr. ARDHAOUI (Tunisia) (interpretation from French): Following the statement by my colleague from Portugal I wish to say a very few words. When it spoke, the Tunisian delegation never mentioned the word "Portugal"; it never addressed the delegation of Portugal.

I do not understand why the delegation of Portugal is now addressing the delegation of Tunisia. Portugal and Tunisia are friends; our two countries are linked by historic ties of good-neighbourliness. In all its statements the Tunisian delegation refrained from speaking the word "Portugal"; it is not a question of Portugal, but a question of the United Nations and its resolutions. There is a United Nations context here, and it was consistently in that context and the context of respect for those resolutions and the United Nations Charter that the Tunisian delegation spoke.

(Mr. Ardhaoui, Tunisia)

I really do not understand why my colleague from Portugal thinks that his delegation is the target of statements made by the Tunisian delegation. It is not Portugal that is on the agenda, but East Timor. Let us speak of East Timor. And it is about East Timor that we spoke.

My colleague from Portugal says I spoke of Bosnia. But Bosnia is not on the agenda. I did not speak of Bosnia. Mr. Kan Akatani did not understand me, and I regret that my colleague from Portugal did not understand me either. It is a sad state of affairs when colleagues in the United Nations do not understand one another.

The CHAIRMAN: I think these misunderstandings can be resolved outside this Chamber. But if the representative of Portugal insists on making a statement, I shall call on him again.

Mr. RIBEIRO-TELLES (Portugal): We are speaking here as administering Power of the Non-Self-Governing Territory of East Timor. It was in that capacity that I addressed my colleague from Tunisia.

The CHAIRMAN: We have thus concluded the hearing of petitioners on this item.

On behalf of the Committee and on my own behalf, I wish to express the Committee's appreciation to the petitioners for their statements and for the information they furnished to the Committee.

The Committee will hear further statements on East Timor tomorrow.

The meeting rose at 6.30 p.m.